



COMMON COUNCIL OF THE CITY OF AUSTIN

ORDINANCE NO. 2024-05

**AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY
INTO THE CITY OF AUSTIN**

WHEREAS, the City of Austin (the “City”) is authorized by IC 36-4-3-1 *et seq.* (the “Act”) to annex territory which is contiguous to the City’s boundary;

WHEREAS, the Common Council of the City has received a petition from Richard L. Jones requesting the City to annex into the City certain real estate that is described in Exhibit “A”, which is attached hereto and incorporated herein by reference (the “Territory”), and the part of the Territory that is located outside the current municipal boundaries of the City;

WHEREAS, to the extent the Territory includes land contiguous to a public highway, the Territory shall include the contiguous areas of the public highway and public highway rights-of-way;

WHEREAS, the Common Council has determined, in accordance with Ind. Code §36-4-3-5.1, the petition requesting voluntary annexation is signed by 100% of the owners of land within the Territory;

WHEREAS, in accordance with Ind. Code §36-4-3-1.5, the Common Council has determined that the Territory is contiguous as at least one-eighth (1/8) of the aggregate external boundaries of the Territory coincides with the boundaries of the City;

WHEREAS, the Common Council desires to annex the Territory into the City;

WHEREAS, the City has developed and adopted a written fiscal plan and adopted a definite policy for providing services concurrently with the passage of this ordinance.

WHEREAS, any required notices have been mailed and published and a public hearing has been opened, conducted and closed; and

WHEREAS, the Common Council believes it is in the best interest of the City that the part of the Territory that is outside of the municipal boundaries of the City, be annexed into the City.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF AUSTIN; AS FOLLOWS:

Section 1. The petition requesting voluntary annexation for the Territory, further described in Exhibit "A", attached hereto and incorporated herein is signed by 100% of the owners of land within the Territory and is contiguous to the City boundaries as at least one-eighth (1/8) of the aggregate external boundaries of the Territory coincides with the boundaries of the City. The Territory is hereby annexed into the City.

Section 2. The Territory is assigned to City Council District 1 and shall become a part thereof immediately upon the effective date of this ordinance.

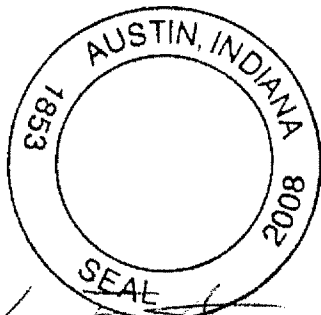
Section 3. The Clerk Treasurer of the City is hereby ordered to publish this Ordinance in the manner prescribed by Indiana Code 5-3-1.

Section 4. If no appeal of the annexation contemplated by this Ordinance has been filed pursuant to Indiana Code 36-4-3-15.5 within thirty (30) days after adoption of this Ordinance, the Clerk-Treasurer is hereby authorized and directed to: (A) file a copy of this Ordinance with (i) the Scott County Auditor; (ii) the Scott Circuit Court Clerk; (iii) the Scott County Board of Registration; (iv) the Office of the Indiana Secretary of State; and (v) the office of census data established by Indiana Code 2-5-1.1-12.2; and (B) record a copy of this Ordinance in the office of the Recorder of Scott County, Indiana.

Section 5. This Ordinance shall be in full force and effect from and after its adoption, publication in accordance with Indiana Code 5-3-1, and filing and recording in compliance with Indiana Code 36-4-3-22(a).

PASSED AND ADOPTED by the Common Council of the City of Austin, Indiana, this

11 day of June, 2024 by a vote of 4 ayes and 0 nays.



Attest:

Chris Fugate
Chris Fugate, Clerk-Treasurer

Common Council City of Austin, Indiana

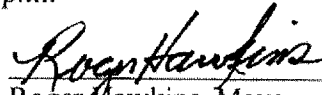
Roger Hawkins
Roger Hawkins, Presiding Officer

Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, on June 11, 2024 at 5:30 p.m.

Chris Fugate
Chris Fugate, Clerk-Treasurer

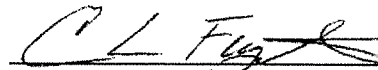
This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), on

June 11, 2024 at 5:30 p.m.



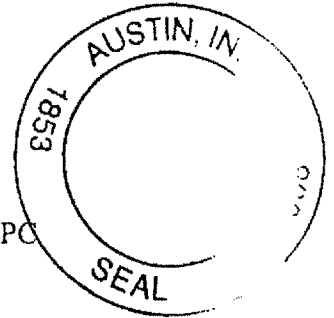
Roger Hawkins, Mayor

Attest:



Chris Fugate, Clerk-Treasurer

Prepared by: Joshua Stigdon, HOUSTON, THOMPSON and LEWIS, PC
59 E. Wardell Street, Scottsburg, IN 47170



I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in the document, unless required by law. /s/ Joshua Stigdon

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel No.: 72-03-25-320-086.000-002

Commonly Known As: 1222 N. U.S. Highway #31, Austin, IN 47102

A part of the northwest quarter of the southwest quarter of section 25, township 4 north, range 6 east, having a point of beginning 27 rods and 2 feet east of the southwest corner of the northwest quarter of the southwest quarter of said section 25, running north 24 degrees 30 minutes west 150 feet, thence south 69 degrees west 131 feet, thence south 23 degrees east 96.9 feet, thence east 147.5 feet to the point of beginning, containing 3/10 of an acre, more or less.

ALSO, a part of the northwest fourth of the southwest quarter of section 25, township 4 north, range 6 east, commencing 18 rods and 5 feet east of the southwest corner of said northwest fourth, running thence west 100 feet, thence north 25 degrees and 30 minutes west 90 feet, thence north 64 degrees and 30 minutes east 89.5 feet, thence south 25 degrees and 30 minutes east 136 feet 9 inches to the place of beginning containing .23 of an acre, more or less.

ALSO INCLUDING: In addition to the aforementioned, the annexed area shall include those public highways and rights-of- way of public highways required to be annexed by Indiana Code § 36-4-3-2.5.

END OF LEGAL DESCRIPTION

